

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In re: Kingdon, Eugenia Michelle

Case Number 2017-03243
Chapter 13
Honorable James Boyd
Filed: 07/04/2017

SECOND AMENDMENT TO CHAPTER 13 PLAN – PRE-CONFIRMATION

NOW COMES THE DEBTOR(S) HEREIN AND AMENDS his/her/their Chapter 13 plan as follows:

- X There is a current monthly mortgage payment to be paid in the plan. This allows the mortgage holder to notify the Trustee of any payment increase due to escrow or interest rate change. The Trustee is authorized to automatically increase the plan payment to an amount sufficient to cover the increased mortgage payment and additional Trustee fee. Any wage order in place shall be automatically amended to include this increase. The arrearage listed in the plan is an estimate. Any claim for an arrearage shall be allowed as filed, and Debtor(s) has/have the burden of objecting to such allowance.
- X The Debtor hereby agrees to amend the plan payments to the Trustee to continue at \$1,431.89 monthly.
- X The Debtor(s) agree(s) to, in satisfaction of the Trustee's ability to object to confirmation regarding the provisions of 11 U.S.C. 1325(b)(1)(B), pay all disposable income, as disposable income is defined in 11 U.S.C. 1325(b)(2), into the plan, to make payments under the plan, for a period of not less than three years, beginning on the date the first payment is due under the plan. This includes, but is not limited to, the turnover of any income tax refund entitlements during the first three years of the plan.
- If the plan is confirmed as a 100% plan for unsecured creditors, and is ever modified to reduce such dividend below 100%, and the Debtor(s) is/are making voluntary contributions to a 401(k) or similar plan, and/or making voluntary repayments on a loan taken out against the 401(k) or similar plan, the Debtor(s) hereby agree(s) to:
- (a) Current contributions to the plan shall cease on the date the plan is modified to a less than 100% plan, and the Chapter 13 plan payment shall increase by that amount, and,
- (b) The Trustee has a reserved right to bring any action pursuant to the Trustee's avoidance powers as defined by the Code, with respect to pre- or post-petition contributions and/or loan repayments made from the inception of the case until amended to a less than 100% plan. The Debtor(s) agree(s) that the provision of 11 U.S.C. 546 are expressly waived if the plan is modified after two years after entry of the Order for Relief.

X

Other:

- (a) Attorney fees shall be paid at the rate of \$ 275.00 per month until paid in full pursuant to paragraph IV.H of the Plan.
- (b) The balance owing on the 2008 Dodge Nitro has been reduced to \$12,175.65 per their Proof of Claim, monthly payments have been increased to \$366.76
- (c) Unsecured Creditors: Payment of a pro-rata share of a fixed amount of \$2,756.00 or payment from all disposable income to be received by the Debtor(s) in the ACP, whichever pays more. This fixed amount shall be reduced by additional administrative expenses including attorney fees approved under 11 U.S.C. § 330(a). However, this fixed amount shall not be reduced below the liquidation value specified in paragraph I.B.

In all other respects, the Plan previously filed remains unchanged.

Date: September 26, 2017

/s/ Eugenia M. Kingdon

Eugenia M. Kingdon, Debtor

Date: September 26, 2017

/s/ Sean M. Liles

Sean M. Liles, Counsel for the Debtor(s)